

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

BOARHEAD FARM AGREEMENT GROUP,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 02-3830
	:	
ADVANCED ENVIRONMENTAL	:	
TECHNOLOGY CORPORATION, et al.,	:	
	:	
Defendants.	:	

**ANSWER OF DEFENDANT ASHLAND INC. TO MOTION OF PLAINTIFF
BOARHEAD FARM AGREEMENT GROUP TO OVERRULE OBJECTIONS
AND COMPEL RESPONSES TO PLAINTIFF'S DISCOVERY REQUESTS**

Defendant Ashland Inc., designated by Plaintiff as Ashland Chemical Company (hereinafter "Ashland"), by and through its undersigned counsel, hereby answers the Motion of Plaintiff Boarhead Farm Agreement Group to Overrule Ashland's Objections to Plaintiff's Interrogatories and Document Requests and to Compel Responses thereto.

For the reasons set forth in the attached Memorandum of Law in support of its opposition to Plaintiff's Motion, Ashland respectfully submits that Plaintiff's Motion should be denied.

Contrary to Plaintiff's contentions, Ashland served full and complete Responses to Plaintiff's Interrogatories and Document Requests properly limited to the relevant Ashland facility and limited to the time period during which Ashland wastes were allegedly transported to the Boarhead Farms Site. The further discovery that Plaintiff seeks from Ashland as set forth in Plaintiff's Motion is clearly overbroad, unduly burdensome, irrelevant, not reasonably calculated to lead to the discovery of admissible evidence and appears to be primarily designed to harass and annoy Ashland, particularly insofar as Plaintiff seeks to require Ashland to provide extensive detailed information

concerning numerous present and former Ashland facilities located anywhere within the borders of the states of Pennsylvania, New Jersey and New York almost thirty (30) years ago, notwithstanding the fact that none of those other facilities has been shown to be, or even claimed to have been, the source of any hazardous wastes allegedly deposited at the Boarhead Farms Site.

Accordingly, Defendant Ashland Inc. respectfully requests that this Honorable Court enter the attached proposed Order denying Plaintiff's Motion and further requests that the Court direct Plaintiff to reimburse Ashland for the reasonable costs and expenses incurred by it in responding to Plaintiff's Motion.¹

Richard C. Biedrzycki

RICHARD C. BIEDRZYCKI, ESQUIRE
Attorney I.D. No. 30604
PHELAN, PETTIT & BIEDRZYCKI
121 South Broad Street
Suite 1600
Philadelphia, PA 19107
(215) 546-0500

Counsel for Defendant Ashland Inc.,
designated by Plaintiff as Ashland Chemical
Company

Date: November 5, 2004

¹ In their Motion, Plaintiff's counsel states that "counsel for BFAG certifies that it has in good faith conferred with counsel for Ashland in an effort to secure the discovery sought by this Motion without intervention by this Court, but that such efforts have not been successful." At no time did Plaintiff's counsel call or otherwise "confer in good faith" with Ashland's counsel with respect to the potential amicable resolution of this discovery dispute. Plaintiff's counsel merely forwarded a letter to the undersigned outlining purported deficiencies in Ashland's discovery responses (see 9/3/04 letter attached as Exh. "C" to Plaintiff's Motion). Ashland submits that such letter falls far short of the "good faith effort" that Plaintiff, as the moving party, was required to make under the Rules.